THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9880 of 2007

01-05-2007

Between:

K.Ramesh Babu.

... Petitioner

and

The Deputy Transport Commissioner & Secretary,
Regional Transport Authority, Krishna District.

... Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9880 OF 2007

ORDER:

The petitioner is owner of the vehicle bearing No.AP16/TW-1908, which is an Idle Contract Carriage. Dispute arose as to the liability of the petitioner to pay motor vehicles tax as contemplated in G.O.Ms.No.180, dated 27.09.2006. Along with some other owners of the vehicles, he filed Writ Petition No.22206 of 2006, in which, an interim order was passed on condition that the petitioner deposits half of the differential tax.

Petitioner contends that with a view to sell away the vehicle, he paid the entire tax as per G.O.Ms.No.180 and when he approached the respondent to give Clearance Certificate to enable him to sell it, the Certificate is being refused on the ground that the writ petition is pending. Learned counsel for petitioner submits that once the entire tax is paid, the mere pendency of the writ petition cannot be an impediment for the respondent to issue the clearance certificate.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

It is no doubt true that W.P.No.22206 of 2006 filed by the petitioner and others is pending. However, the petitioner has chosen to pay the entire tax. On his own accord, the petitioner cannot withdraw the pending writ petition, because there are eleven other writ petitioners. Interests of the State are protected inasmuch as the petitioner had paid the entire tax.

Therefore, the writ petition is disposed of directing the respondent to issue 'No Due Certificate' if he is satisfied that the petitioner had paid the entire tax notwithstanding the pendency of Writ Petition No.22206 of 2006.

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L. NARASIMHA REDDY, J

1st May 2007

ajr